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May 26, 2004

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/523,102  
Filed: March 10, 2000  
Title: Methods and Compositions for Treating and Preventing  
Retinal Neovascularization  
Applicants: Erwin SI *et al.*  
Atty. Docket: 13587.286

Sir:

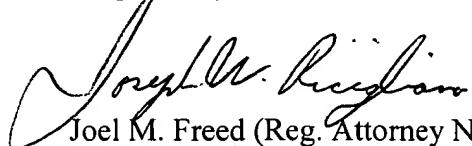
The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Response to the Office Action Dated March 8, 2004;
2. an Interview Summary; and
3. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 13587.286. A duplicate copy of this letter is enclosed.

Respectfully submitted,

  
Joel M. Freed (Reg. Attorney No. 25,101)  
Joseph W. Ricigliano (Reg. Agent No. 48,511)

Enclosures



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Erwin SI *et al.*

Appl. No.: 09/523,102

Filed: March 10, 2000

For: Methods and Compositions for  
Treating and Preventing Retinal  
Neovascularization

Art Unit: 1651

Examiner: S. Saucier

Atty. Docket: 13587.286

Confirmation No.: 4492

## Interview Summary

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Interview Summary received from the Examiner dated April 29, 2004, Applicants submit the following summary.

Applicants' representatives thank the Examiner for extending the courtesy of an interview after final.

### In Attendance

Primary Examiner: Sandra Saucier

Registered Patent Agent: Joseph W. Ricigliano

Registered Patent Attorney David R. Marsh

1) Exhibits: No exhibits were provided or discussed.

2) Claims Discussed: Pending claims 1-42

3) Cited Art Discussed: WO 97/41844 and U.S. 5,763,621 (Beckett *et al.*)

4) Amendments discussed:

5) Summary of Arguments:

At the interview, Applicants' representatives appreciated the opportunity to discuss the teachings of the '621 and '41844 references applied in the obviousness rejection of claims 1-42. During the interview, the art-recognized difficulties of administering batimastat, as evidenced by the Beckett '621 reference, were discussed. Applicants' representatives noted that, while the

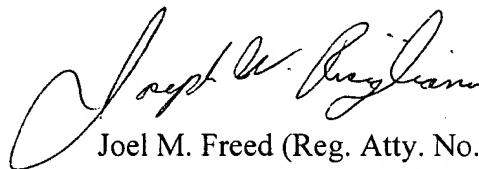
references might teach topical administration limited to tissues directly accessible to a topically applied agent, these teaching would not lead to a reasonable expectation that topical administration of batimastat to the eye would reach the retina, which lies on the contralateral side of the sclera, in an amount to achieve a therapeutic effect. It was also noted for the Examiner's attention that nothing in Examples 1 and 2 of the '41844 reference, which the Examiner relies on, suggests that a topically administered batimastat compound could successfully be employed to treat retinal neovascularization. The Examiner's attention was additionally directed to Figure 5 of Applicants' specification, which indicates that batimastat topically administered to the eye can reach the retina.<sup>1</sup>

In addition to the foregoing, a short discussion of the rejection under 35 U.S.C. 112 second paragraph was undertaken in which it was suggested that inclusion of the definition of a batimastat compound from the specification would likely overcome the rejection.

6) Other Matters:

7) General Result: Based on the interview, and the Examiner's comments, Applicants have amended the claims which stand rejected under 35 U.S.C. 112 second paragraph to address the Examiner's concerns regarding the recitation of a "batimastat compound." In addition, Applicants have presented the above-mentioned arguments regarding the outstanding obviousness rejection in written form for the Examiner's consideration. While no final agreement was reached, Applicants' representatives thank the Examiner for the direction and guidance presented during the interview.

Respectfully submitted,



Joel M. Freed (Reg. Atty. No. 25,101)  
Joseph W. Ricigliano (Registered Patent Agent No. 48,511)

Date: May 26, 2004

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<sup>1</sup> This information was conveyed to the Examiner in a voice message left by Joseph W. Ricigliano shortly after the conclusion of the main interview.